BOMBAY ACT No. XVIII OF 1955.[1]

[THE BOMBAY JUDICIAL PROCEEDINGS (REGULATION OF REPORTS) ACT, 1955.]

[*6th May 1955*]

An Act to regulate the publication of reports of judicial proceedings.

WHEREAS it is necessary to regulate the publication of reports of judicial proceedings, so as to prevent the publication of obscene or indecent matter and other matters, the publication of which will not be in the public interest ; It is hereby enacted in the Sixth Year of the Republic of India, as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Judicial Proceedings (Regulation of Reports) Act, 1955.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government by notification in the *Official Gazette* appoints.

Definitions.

2. In this Act, unless the context otherwise requires :—

(*a*) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language and every sheet of music, map, chart or plan separately printed or lithographed or otherwise mechanically produced ;

(*b*) "document" includes any painting, drawing or photograph or other visible representation ;

(*c*) "judicial proceedings" includes any proceeding in the course of which evidence is or may be legally taken on oath ;

(*d*) "matrimonial matter" means any proceedings for dissolution or nullity of marriage, or for judicial separation, or for restitution of conjugal rights ;

(*e*) "newspaper" means any periodical work containing public news or comments on public news.

Restrictions on publication of reports of judicial proceedings.

3. No person shall print or publish or cause to be printed or published,—

(*a*) in respect of any judicial proceedings, any indecent or obscene matter, or any indecent or obscene details whether medical, surgical or physiological, which would be calculated to injure the public morals ;

(*b*) in respect of any matrimonial matter or any judicial proceedings in connection with the offence under section 497 of the Indian Penal Code, any particulars other than the following, that is to say :—

XLV of 1860.

(*1*) the names of the parties ; and

(*2*) the order of the Court ;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, p. 3.

(*c*) in respect of any judicial proceedings in connection with an offence under section 354, 366, 366A, 366B, 376, 377, or 498 of the Indian Penal Code, any particulars other than the following, that is to say :— XLV of 1860.

(*1*) the name, occupation and address of the accused ; and

(*2*) the order of the Court, without disclosing the identity of, or giving any particulars calculated to lead to the identification of, any person who may have been a victim of the offence :

Provided that nothing in this section shall apply to the printing of any pleading, transcript of evidence or other document for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings or to the printing or publishing of any notice or report in pursuance of the directions of the Court or to the printing or publishing of any matter in a separate volume or part of any *bona fide* series of law reports or in any publication of a technical character *bona fide* intended for circulation among members of the legal or medical professions.

Penalty.

4. Whoever contravenes the provisions of this Act shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both ; and any newspaper, book or document (including all copies thereof) in respect of which an offence has been committed shall also be liable to be forfeited to the State Government.

Jurisdiction to try offences.

5. No Court inferior to that of the Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

Previous sanction.

6. No Court shall take cognisance of an offence under this Act except with the previous sanction of the State Government.

Forfeiture and seizure of newspaper, etc., under section 99A of Criminal Procedure Code.

7. The provisions of section 99A of the Code of Criminal Procedure, 1898, are hereby amended as specified in the Schedule to this Act and the provisions of the said section as amended shall, notwithstanding anything contained in section 4, apply in respect of any newspaper, book or document, which appears to the State Government to contain any matter in contravention of the provisions of this Act. V of 1898.

Operation of other laws.

8. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other law for any act which is an offence under this Act.

SCHEDULE.

(*See* section 7.)

In section 99A of the Code of Criminal Procedure, 1898, after the words "appears to the State Government to contain" the words "in respect of any judicial proceedings any indecent or obscene matter or any indecent or obscene details, whether medical, surgical or physiological, which would be calculated to injure the public morals, or" shall be inserted. V of 1898.